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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

AMANDA OLSON,

Plaintiff,

vs.

FEDERAL EXPRESS CORPORATION,

Defendant.

COMPLAINT

(Jury Demand)

COMES NOW Plaintiff and complains of Defendant as follows:

First Cause of Action

(Disability Discrimination)

I.

This is an employment discrimination action based on the Americans With Disabilities Act (ADA) and Title VII. The Plaintiff is a qualified individual with a disability. She alleges she was assaulted by a male co-worker, treated differently that her male co-worker, denied a reasonable accommodation for her disability, and terminated because of her disability, because of her sex, because she sought an accommodation, and because she complained about the co-worker's sexual

1 harassment. Jurisdiction and venue are based upon the ADA.

2 II.

3 The Plaintiff is a resident of Clark County, Nevada and is a qualified
4 individual with a disability. The Defendant is a foreign corporation doing business
5 in Clark County, Nevada, and at all times herein was Plaintiff's employer.

6 III.

7 The Plaintiff worked for the Defendant as a Package Handler from February,
8 2019 until March 31, 2020, when she was terminated. She was assaulted by a
9 male co-worker in February, 2020, which aggravated her disability and made it
10 difficult to continue to work in her same location. Accordingly, she asked the
11 Defendant to engage in the interactive process to determine a valid accommodation
12 for her disability but her employer refused to accommodate her.

13 IV.

14 The co-worker continued to harass the Plaintiff and she continued to request
15 an accommodation and complain about the co-worker. The Defendant refused to
16 protect the Plaintiff from her male co-worker and refused to accommodate her
17 disability. She was discharged on March 31, 2020, in retaliation for her engaging
18 in protected activity under the ADA and Title VII.

19 V.

20 The Defendant violated the ADA by refusing to accommodate her disability
21 and/or failing to enter into the interactive process. The Plaintiff filed charge of
22 discrimination with the EEOC and a copy of that charge is attached hereto and the
23 facts asserted therein are hereby incorporated by reference.

24 VI.

25 A right to sue letter based upon her charge has been obtained and this
26 lawsuit has been filed within 90 days of receipt of that letter.

VII.

As a direct result of the Defendant's discriminatory acts the Plaintiff has suffered financial loss, physical injuries and emotional distress based upon those injuries. The above described acts of Defendant were willful and done with a conscious disregard for Plaintiff's federally protected rights.

Second Cause of Action

(Retaliation)

VIII.

The Plaintiff repleads and realleges the allegations contained in paragraphs I through VII above as though fully set forth herein.

IX.

The Defendant refused to accommodate and/or enter into the interactive process and subsequently terminated the Plaintiff because she requested an accommodation and because she complained that she was being treated differently than her male co-worker. This constitutes retaliation in violation of the ADA and the Plaintiff has been harmed as a direct result of said acts.

Third Cause of Action

(Sex Discrimination)

X.

The Plaintiff repleads and realleges the allegations contained in paragraphs I through VII above as though fully set forth herein.

XI.

The Defendant refused to take prompt effective remedial action to protect the Plaintiff once she complained about being assaulted by her male co-worker. This constitutes illegal sex discrimination in violation of Title VII and the Plaintiff

1 has been harmed as a direct result of said acts.

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3
4 WHEREFORE Plaintiff prays for the following relief:

5 1. Reinstatement, with full backpay, benefits, seniority and prejudgment
6 interest;

7 2. Front pay, if reinstatement is not practicable;

8 3. Compensatory damages in the amount of \$300,000;

9 4. Punitive damages in the amount of \$300,000;

10 5. Attorney's fees and costs of suit; and

11 6. Such other and further relief as the Court may wish to entertain.

12 DATED this 22nd day of January, 2021.

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15 RICHARD SEGERBLOM, ESQ.
16 701 East Bridger Avenue, Ste. 520
17 Las Vegas, Nevada 89101
18 Attorney for Plaintiff
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EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 487-2020-00962 </div> </div>	
NEVADA EQUAL RIGHTS COMMISSION and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) MS. AMANDA OLSON		Home Phone (702) 577-8680	Year of Birth 1984
Street Address City, State and ZIP Code 4050 W TWAIN AVE, 243, LAS VEGAS, NV 89103			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name FEDEX GROUND		No. Employees, Members 15 - 100	Phone No.
Street Address City, State and ZIP Code 470 BRUNER AVE, HENDERSON, NV 89044			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; justify-content: space-between;"> <div><input type="checkbox"/> RACE</div> <div><input type="checkbox"/> COLOR</div> <div><input checked="" type="checkbox"/> SEX</div> <div><input type="checkbox"/> RELIGION</div> <div><input type="checkbox"/> NATIONAL ORIGIN</div> <div><input checked="" type="checkbox"/> RETALIATION</div> <div><input type="checkbox"/> AGE</div> <div><input checked="" type="checkbox"/> DISABILITY</div> <div><input type="checkbox"/> GENETIC INFORMATION</div> <div><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 02-03-2020 03-31-2020 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): On or about February 7, 2019, I was hired by FEDEX CORPORATION as a Package Handler. My last position was Package Handler. On or about February 3, 2020, I was assaulted by a co-worker. In or around February 2020 I submitted a request for a reasonable accommodation for my disability that was a direct result from the assault. In or around February 2020 I consistently kept getting harassed by the same co-worker. Thereafter, I was discharged from my position on or about March 31, 2020. I believe I was discriminated against because of my sex, Female, in violation of Title VII of the Civil Rights Act of 1964, as amended. I believe I was discriminated against because of my disability in violation of the Americans with Disabilities Act of 1990, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Amanda Olson on 10-27-2020 01:55 PM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

DISMISSAL AND NOTICE OF RIGHTS

To **Amanda Olson**
4050 W Twain Ave
243
Las Vegas, NV 89103

From **Las Vegas Local Office**
333 Las Vegas Blvd South
Suite 5560
Las Vegas, NV 89101



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative:

Telephone No.

487-2020-00962

Michael L. Mendoza,
Supervisory Investigator

(702) 553-4466

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC, in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination. Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

MICHAEL
MENDOZA

Digitally signed by MICHAEL MENDOZA
 DN: cn=U.S. Government, ou=Equal
 Opportunity Commission
 or, cn=MICHAEL MENDOZA,
 o=U.S. Government, ou=Equal
 Opportunity Commission
 Date: 2020.10.29 09:19:20 -0700

for

Tamara M. West,
Local Office Director

(Date Mailed)

cc

Cynthia J. Collins
EEO
FEDERAL EXPRESS CORPORATION
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, TN 38125